



**U.S. Department of Justice**  
Civil Rights Division

TC:ANF:RG3  
18-00409-F

*Freedom of Information/Privacy Acts Branch - PHB*  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Via Electronic Mail Only

4/24/2019

Mr. Austin Evers  
American Oversight  
1030 15th Street, N.W.  
Suite B255  
Washington, DC 20005  
foia@americanoversight.org

Dear Mr. Evers:

This is in further response to your September 17, 2018, Freedom of Information Act request seeking access to “all records (including emails, email attachments, internal announcements, decision memos, or other correspondence) regarding the creation of the Religious Liberty Task Force.”

After review of the responsive Civil Rights Division documents, I have determined that access to certain information within these records should be denied pursuant to 5 U.S.C. § 552 (b)(5) since the records consist of intra-agency memoranda containing privileged attorney work-product and predecisional, deliberative materials; and pursuant to 5 U.S.C. § 552 (b)(6) since disclosure of portions thereof could reasonably be expected to constitute a clearly unwarranted invasion of personal privacy. I have considered a discretionary release of the information and determined that the withheld information is not appropriate for disclosure at this time.

You can also view the full context of the Attorney General’s speech by visiting the following web site:

<https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-department-justice-s-religious-liberty-summit>

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.”

-2-

I hope the Civil Rights Division has been of some assistance to you in this matter.

Sincerely,

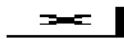
*Tink Cooper*

Tink Cooper, Acting Chief  
Freedom of Information/Privacy Acts Branch  
Civil Rights Division

**From:** Religion Clause  
**Sent:** 30 Jul 2018 16:20:18 -0400  
**To:** Treene, Eric (CRT)  
**Subject:** AG Sessions Announces New Religious Liberty Task Force In Extensive Remarks on Topic

... 1  
... -

# AG Sessions Announces New Religious Liberty Task Force In Extensive Remarks on Topic



## In This Issue...

- AG Sessions Announces New Religious Liberty Task Force In Extensive Remarks on Topic
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Attorney General Jeff Sessions delivered remarks (full text) at today's Department of Justice Religious Liberty Summit. He said in part:

I want to thank all of you for your courage and insight to speak out for religious liberty.

Let us be frank.

A dangerous movement, undetected by many, is now

challenging and eroding our great tradition of religious freedom. There can be no doubt. This is no little matter. It must be confronted and defeated.

This election, and much that has flowed from it, gives us a rare opportunity to arrest these trends. Such a reversal will not just be done with electoral victories, but by intellectual victories.

We have gotten to the point where courts have held that morality cannot be a basis for law; where ministers are fearful to affirm, as they understand it, holy writ from the pulpit; and where one group can actively target religious groups by labeling them a “hate group” on the basis of their sincerely held religious beliefs.

This President and this Department of Justice are determined to protect and even advance this magnificent heritage....

[I]n recent years, the cultural climate in this country—and in the West more generally—has become less hospitable to people of faith. Many Americans have felt that their freedom to practice their faith has been under attack.

And it’s easy to see why. We’ve seen nuns ordered to buy contraceptives.

We’ve seen U.S. Senators ask judicial and executive branch nominees about dogma—even though the Constitution explicitly forbids a religious test for public office. We’ve all seen the ordeal faced so bravely by Jack Phillips.

Americans from a wide variety of backgrounds are concerned about what this changing cultural climate means for the future of religious liberty in this country.

President Trump heard this concern.

I believe this unease is one reason that he was elected. In substance, he said he respected people of faith and he promised to protect them in the free exercise of their faith.

He declared we would say “Merry Christmas” again....

Today I am announcing our next step: the Religious Liberty Task Force, to be co-chaired by the Associate Attorney General and the Assistant Attorney General for the Office of Legal Policy—Jesse [Panuccio] and Beth [Williams].

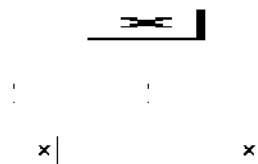
The Task Force will help the Department fully implement our religious liberty guidance by ensuring that all Justice Department components are upholding that guidance in the cases they bring and defend, the arguments they make in court, the policies and regulations they adopt, and how we conduct our operations. That includes making sure that our employees know their duties to accommodate people of faith.

As the people in this room know, you have to practice what you preach. We are also going to remain in contact with religious groups across America to ensure that their rights are being protected. We have been holding listening sessions and we will continue to host them in the coming weeks.

This administration is animated by that same American view that has led us for 242 years: that every American has a right to believe, worship, and exercise their faith in the public square.

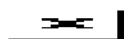
     

• Email to a friend •



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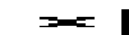
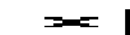
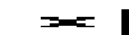
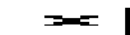
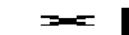
- DOJ Religious Liberty Summit Today
- Pennsylvania Supreme Court Orders Release of Redacted Grand Jury Report On Clergy Sexual Abuse
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01776, USA

**From:** Alliance Alert Digest  
**Sent:** 3 Aug 2018 19:25:29 +0000  
**To:** Treene, Eric (CRT)  
**Subject:** How the Media Covered the Religious Liberty Task Force Announcement

x

**August 3, 2018**

| |

## **Friday Feature: How the Media Covered the Religious Liberty Task Force Announcement**

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U.S. Attorney General Jeff Sessions announced earlier this week the creation of a Religious Liberty Task Force within the Department of Justice. The Task Force was created in response to the religious liberty executive order from President Trump and the follow-up guidance issued by the DOJ. While the announcement of a Task Force within the Justice Department to protect a liberty guaranteed in the First Amendment is a welcome step, government officials keeping their oath to uphold the Constitution, an alarming reaction from journalists and commentators have turned it into a controversy.

How exactly did the media cover the announcement of the Task Force?

### **ADF in the News**

**WORLD: Transgender rights trump privacy rights in public schools**

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ge source: *Gillian Flaccus/Associated Press via WORLD*

Recent rulings in federal courts in Oregon and Pennsylvania have cast a shadow over privacy in public schools. Rather than protect students who don't want to be in vulnerable situations with students of the opposite sex, some courts have gone so far as to rule that the federal prohibition against sex discrimination gives students access to use the facilities that correspond to their perceived "gender identity".

-*The Editors*

Read more at

x]

-*CNS News*

x]

-*CBS Philadelphia*

x]

-*OneNewsNow*

x]

-*Christian Post*

## Religious Freedom

***National Review: Why Christians Can't Compromise on Conscience***

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ge source: *Eric Thayer/Reuters via National Review*

Christian charities that hold traditional beliefs on marriage and sexuality find themselves against progressive activists forcing them to violate their conscience. Activists can't understand why these charities would rather shut down than acquiesce, because they've seen other Christians compromise. What's to be done? David French provides an answer.

-*The Editors*

DOJ-18-0551-A-000006



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This email was sent to [eric.treene@usdoj.gov](mailto:eric.treene@usdoj.gov)

*Articles are shared in the interest of informing readers about current events and viewpoints related to the issues of religious liberty, marriage and the family, and the sanctity of life. Shared articles do not necessarily represent the views of Alliance Defending Freedom.*

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You can also: [update your subscription preferences here](#).

**From:** Dr. Mike Ghouse  
**Sent:** 7 Aug 2018 11:53:26 -0400  
**To:** Treene, Eric (CRT)  
**Subject:** Re: invitation - thanks Eric, text posted in the email

## Threat to religious freedom, Sessions announces special task force

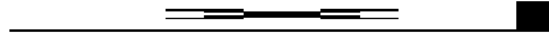
I must have said, "God bless America" at least a dozen times at the Department of Justice's meeting on Religious freedom. The speakers included Senator Lankford, Jeff Sessions, Rod Rosenstein, Archbishop Joseph Kurtz, Asmauddin, Harpreet Singh Mokha and many advocates of religious freedom.

Despite the temporary setbacks, America leads the world in religious freedom – God bless the founding fathers for setting up a near perfect system – the rule of law and equal justice for all. I was wishing the lawmakers of other nations look into our system, we have a great model to follow. If there is one single reason I have to choose for the success of America, it would be the rule of Law – people can trust in the justice and go on about living their lives instead of living in apprehensions or having cultural, religious, ethnic battles that no one wins. We need to be free!

Senator Lankford's speech was absolutely a delight on religious freedom. I prayed for him, and I will publish that speech here at the Center for Pluralism site. Archbishop Kurtz gave a talk on free will, it sounded like the expanded version of the verse in Quran – There shall be no compulsion in the matter of belief.

Jeff Sessions and other attorneys gave a summary of the defending the rights of Christians, Muslims, Hindus, Jews, Sikhs and all others. It feels good knowing that we

are a just people, and what do we do? I pray for America, the founding fathers, and our system. Jeff Sessions has made mistakes, but the rule of law prevailed. I admire his stand on most issues but condemn his stand on dealing with immigration issues.



*Mike Ghouse presenting the book "Wiseup" produced by Daisy Khan of wiscmuslimwomen.org This book is everything you want to know about American Muslims and their commitment to peace and prosperity of America.*

The real power in America is in the rule of law, and not the President or Speaker of the house. Imran Khan, the newly elected leader of Pakistan has understood and expressed that in his election victory speech. As a sign of goodwill, I hope he releases Asiya Bibi and apologizes to the Pakistani Christian community for the apprehensions and fears they have endured through this ordeal. I hope he assures the Ahmadiyya Muslim Community that they need not live in fear anymore and that he will repeal some of the disgusting requirements to get a visa or passport. He needs to assure the Pakistani Hindus that there will be no more forced conversions of Hindu women to Islam. If Turkey and Iran can release the imprisoned pastors in their jails, the world can see Islam as a religion of compassion and kindness. We cannot blame others for ridiculing Islam if Muslims are the ones who are tearing it apart. The Islam they portray is not Islam, Islam is all about justice, compassion and fair treatment of fellow humans, and creating cohesive societies where all humanity can live without fear of the other.

That takes me to India – my motherland that I so dearly love. India has an impeccable history of welcoming the stranger and giving refuge to the oppressed, rejected and the evicted. This beautiful pluralistic 5000-year-old tradition of India is in peril now since the BJP and its affiliates took over power in 2014. I am writing an article called "White Washing religious freedom in India" and hope to appeal to the Prime Minister to restore

Dharma, the righteousness that Lord Krishna had promised whenever the society decays. I am sure the collective goodness of Indians will restore that pluralistic heritage. India and Pakistan mirror each other in everything including terrorizing their minorities.

Let's make an effort to change all that and restore the righteousness.

God bless humanity and give guidance to the leaders.

Mike Ghouse  
Center for Pluralism

## **Seeing threat to religious freedom, Jeff Sessions announces special task force**

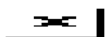
Courtesy –

July 30, 2018

4 Min Read

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Attorney General Jeff Sessions speaks during a Religious Liberty Summit at the Department of Justice on July 30, 2018. Sessions says there's a "dangerous movement" to erode protections for Americans to worship and believe as they choose. (AP Photo/Manuel Balce Ceneta)



Share This!

(RNS) — Attorney General Jeff Sessions announced during a Department of Justice summit in Washington that he is creating a religious liberty task force to challenge what he called a dangerous movement “eroding our great tradition of religious freedom.”

Sessions said Monday (July 30) the task force is an outgrowth of President Trump’s executive order directing agencies to protect religious liberty, and he said it would help Justice Department employees remember that it is their duty to accommodate people of faith.

“This administration is animated by that same American view that has led us for 242 years — that every American has a right to believe and worship and exercise their faith in the public square,” Sessions said at the summit. The Trump administration spent last week emphasizing religious freedom in a three-day State Department

But Sessions also alluded to the fears of some Americans that the freedom to practice their faith has been under attack. He spoke of nuns “ordered to buy contraceptives,” a reference to an Obama-era contraception mandate. The mandate did not force the nuns to buy contraceptives but to cover the costs of contraceptives in their employees’ health plans.

“Religious Americans are no longer an afterthought,” he said. “We will take potential burdens on one’s conscience into consideration before we issue regulations or policies.”

Speaking at the summit alongside Sessions were a host of religious leaders, including Roman Catholic Archbishop Joseph Kurtz, who chairs the Committee for Religious Liberty at the U.S. Conference of Catholic Bishops, as well as Jack Phillips, the Colorado baker who won a Supreme Court case after refusing to bake a cake for a gay couple’s wedding.

During a panel discussion, a host of religious leaders described their personal religious liberty battles. They included a Chabad rabbi who fought opposition to his building a synagogue in Boca Raton, Fla., a Sikh lawyer who refused to shave his beard and take off his turban to accept a job and Phillips, the evangelical Christian who wouldn't bake the cake.

The summit examined the controversial issue of religion-based service refusals to LGBTQ Americans head on.



*Jack Phillips, center, the Colorado baker who won a Supreme Court case after refusing to bake a cake for a gay couple's wedding, speaks during a panel that included stories of personal religious liberty battles at the Department of Justice on July 30, 2018. Screenshot via DOJ livestream*

Sessions praised Phillips for his "bravery" in his Masterpiece Cakeshop legal challenge. Others, including Kurtz and Heritage Foundation executive Emilie Kao, said the country ought to defend the rights of faith-based adoption agencies to refuse to allow same-sex couples to adopt children.

Without ever referring to LGBTQ people explicitly, Kurtz alluded to the need to protect faith-based adoption agencies' desires to deny service to gay or lesbian couples because of the Catholic faith's opposition to same-sex relationships.

"When activists try to force Christian ministries into violating their consciences, they force Christians into a bind," Kurtz said. "We cannot reject our commitments to service, nor can we turn away from our commitment to the truth about the human person."

The Human Rights Campaign, a gay rights advocacy and political lobbying group, responded quickly, as did Americans United for Separation of Church and State.

"This taxpayer funded task force is yet another example of the Trump-Pence White House and Jeff Sessions sanctioning discrimination against LGBTQ people," said HRC Legal Director Sarah Warbelow in a statement.

The Alliance for Defending Freedom, a conservative legal firm that defended Phillips, immediately issued its own release congratulating Sessions and his religious liberty initiative.

"Too many of the clients ADF represents are risking their businesses, their life savings and their safety to follow their conscience," the statement said. "All Americans should be free to peacefully live and act consistent with their convictions and faith without threat of government punishment."

Share this:

Thank you

What do we do at the Center for Pluralism

<http://centerforpluralism.com/what-do-we-do-at-center-for-pluralism/> ;

Mike Ghouse  
Center for Pluralism  
Washington, DC  
(214) 325-1916  
Mike@CenterforPluralism.com  
[www.CenterforPluralism.com](http://www.CenterforPluralism.com)

-----Original Message-----

From: Treene, Eric (CRT) (CRT) <Eric.Treene@usdoj.gov>

To: (b)(6)@aol.com>

Sent: Tue, Aug 7, 2018 11:22 am

Subject: RE: invitation

For some reason it doesn't work on my DOJ browsers at all. But I was able to view on my phone. Thanks!

**From:** (b)(6)@aol.com>  
**Sent:** Tuesday, August 7, 2018 9:51 AM  
**To:** Treene, Eric (CRT) <Eric.Treene@crt.usdoj.gov>  
**Subject:** Re: invitation

Eric.

The link works, may be you can place in the browser

Thanks

(b)(6)

On Aug 7, 2018, at 9:34 AM, Treene, Eric (CRT) <Eric.Treene@usdoj.gov> wrote:

Thanks (b)(6) This link doesn't seem to work. Is it correct?

**From:** (b)(6)@aol.com>  
**Sent:** Friday, August 3, 2018 3:59 AM  
**To:** Treene, Eric (CRT) <Eric.Treene@crt.usdoj.gov>  
**Subject:** Re: invitation

Eric,

Thanks for the invite, the meeting was fruitful, here is my note;  
<http://centerforpluralism.com/threat-to-religious-freedom-sessions-announces-special-task-force/>

Let me know how I can contribute towards the work you are doing as a volunteer or as a contractors.

(b)(6)

-----Original Message-----

**From:** Treene, Eric (CRT) (CRT) <Eric.Treene@usdoj.gov>  
**To:** (b)(6)@aol.com>  
**Sent:** Thu, Jul 26, 2018 11:57 am  
**Subject:** invitation

(b)(6)

I thought you might be interested in this event next Monday.



Eric

Dear Partner:

The U.S. Department of Justice is pleased to invite you to ***Religious Liberty: Our First Freedom and Why it Matters*** on July 30, 2018 in Washington, DC. The event will present a number of perspectives on the centrality of religious liberty to a flourishing society and will examine legal and cultural challenges to it. It will feature opening remarks by Attorney General Jeff Sessions and addresses by Archbishop Joseph E. Kurtz of the Archdiocese of Louisville and Senator James Lankford of Oklahoma. Panel discussions will highlight legal and policy perspectives on the issue, as well as the lived experience of religious freedom in America today.

Please see below for registration information and other key logistical considerations for the event.

**Registration:** To participate in the event, please register by **Thursday, July 26** by sending your RSVP to [Rebecca.Rose@usdoj.gov](mailto:Rebecca.Rose@usdoj.gov). An email confirming your registration will be sent to you.

**Location:** The event will be held at the U.S. Department of Justice Great Hall – Robert F. Kennedy Building, 950 Pennsylvania Avenue, NW, Washington, DC 20530. More specific information regarding how to enter the building will be sent prior to the event.

**Time:** The event will begin at 9:30 AM and will end by 12:30 PM.

We hope you are able to join us. This event is by invitation only. We would be happy for additional participants from your organization to join us, but please contact us with information about those additional participants and to confirm that they can be registered. Please do not forward this invitation outside of your organization. Should you have any questions or have additional participants in mind, please contact Becky Rose at DOJ at [Rebecca.Rose@usdoj.gov](mailto:Rebecca.Rose@usdoj.gov) or (202) 598-9314.

Regards,

U.S. Department of Justice Religious Liberty: Our First Freedom and Why it Matters Team

**From:** (b)(6)  
**Sent:** 31 Jul 2018 14:19:44 +0000  
**To:** Treene, Eric (CRT)  
**Subject:** FOCUS ON THE FAMILY PRESIDENT JIM DALY'S STATEMENT ON DOJ RELIGIOUS LIBERTY TASK FORCE

My friend -

Wanted to make sure you saw this from Focus on the Family in strong support of DOJ's religious liberty task force, etc.

Warm regards

(b)(6)

+

**Tuesday July 31, 2018**

**1. Jim Daly Statement: Daly Praises New Religious Freedom Task Force**

"We are pleased by Attorney General Jeff Sessions' announcement of the creation of a new Religious Liberty Task Force within the Department of Justice designed to promote and protect the freedom of people of faith.

"Freedom of religion is considered to be our "first freedom," not simply because it is the first guarantee contained in the First Amendment of the U.S. Constitution, but also because it is the freedom upon which our nation was founded and the national heritage that gives deeper meaning to our other freedoms.

"This isn't the first action taken by this Administration and the Department of Justice in furtherance of defending our religious freedom. We are encouraged to see this ongoing commitment that benefits all Americans, whether they profess a faith in God or none at all."

**From:** Robert Silverman  
**Sent:** 30 Jul 2018 23:04:53 +0000  
**To:** Treene, Eric (CRT)  
**Subject:** Great meeting today and request for follow up meeting

Hi Eric,

Headed back to NYC early tomorrow (Tuesday) but wondering if we can set up a small meeting with some of the Muslim-Jewish Advisory Council members with you to discuss the task force that was announced, and how we can support it.

Best, bob

**Robert J. Silverman**  
U.S. Director  
Muslim-Jewish Relations  
212.891.1309

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FOLLOW ME: [Twitter.com/Silverrj99](https://twitter.com/Silverrj99)

**AJC** Global Jewish  
Advocacy  
[www.ajc.org](http://www.ajc.org)

Non Responsive Record

**From:** Treene, Eric (CRT) <Eric.Treene@crt.usdoj.gov>  
**Sent:** Monday, March 4, 2019 3:25 PM  
**To:** Cooper, Tink (CRT) <Tink.Cooper@crt.usdoj.gov>  
**Subject:** FW: Religious Freedom in Focus

Tink

Non Responsive Record

Eric

**From:** Wael Alzayat <walzayat@emgageusa.org>  
**Sent:** Thursday, October 11, 2018 12:58 PM  
**To:** Treene, Eric (CRT) <Eric.Treene@crt.usdoj.gov>; Hanna Dasoo <hdasoo@emgageusa.org>; Iman Awad <iawad@emgageaction.org>  
**Subject:** Re: Religious Freedom in Focus

Hi Eric. Can you please add Hanna and Iman to these emails? Thanks.

**Wa'el N. Alzayat**  
Chief Executive Officer  
Emgage  
408.835.6461  
[EmgageUSA.org](http://EmgageUSA.org)  
[@WaelAlzayat](https://twitter.com/WaelAlzayat) - [#WaelAlzayat](https://twitter.com/WaelAlzayat)



On Thu, Sep 6, 2018 at 4:40 PM, Treene, Eric (CRT) <Eric.Treene@usdoj.gov> wrote:

**United States Department of Justice  
Civil Rights Division**

The Civil Rights Division has released the September 2018 issue of **Religious Freedom in Focus** (<https://www.justice.gov/crt/religious-freedom-focus-volume-76-september2018>), a periodic email update about the Civil Rights Division's ongoing efforts to protect religious freedom.

IN THIS ISSUE:

- [Federal Court Adopts DOJ's Analysis, Allows Church's RLUIPA Claim to Proceed to Trial](#)
- [Attorney General Announces Creation of Religious Liberty Task Force at DOJ Summit](#)
- [Department Closes Investigation in Response to Florida City Equalizing Treatment of Religious and Nonreligious Land Uses](#)
- [DOJ Files Statement of Interest Supporting Hindu Association's RLUIPA Suit](#)
- [Town Allows Land Sale to Church, Amends Ordinance, After DOJ Investigation](#)
- [Update on Religious Hate Crimes](#)

Back issues of this newsletter are available at <https://www.justice.gov/crt/combating-religious-discrimination-and-protecting-religious-freedom-12>. If you wish to be removed from the mailing list for ***Religious Freedom in Focus***, or if you know someone who would like to be added to it, please write to [FirstFreedom@usdoj.gov](mailto:FirstFreedom@usdoj.gov).

United States Department of Justice  
Civil Rights Division  
<http://www.justice.gov/crt>

## JUSTICE NEWS

### **Attorney General Sessions Delivers Remarks at the Department of Justice's Religious Liberty Summit**

Washington, DC ~ Monday, July 30, 2018

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#### ***Remarks as prepared for delivery***

Thank you, Beth, for that generous introduction and thank you for your outstanding leadership at the Office of Legal Policy.

I want to thank Deputy Attorney General Rosenstein and our acting Associate Attorney General, Jesse Pannuccio, for their leadership, as well.

Thank you to Dorothy Williams from the Civil Rights Division for sharing your beautiful voice with us and singing our national anthem.

And thank you to Archbishop Kurtz, my good friend Senator Lankford, as well as all of our panelists: Acting Assistant Attorney General John Gore, Kerri Kupec, Derrick Max, Professor McConnell, Asma Uddin, Shay Dvoretzky, Emilie Kao, and of course Jack Phillips.

I want to thank all of you for your courage and insight to speak out for religious liberty.

Let us be frank.

A dangerous movement, undetected by many, is now challenging and eroding our great tradition of religious freedom. There can be no doubt. This is no little matter. It must be confronted and defeated.

This election, and much that has flowed from it, gives us a rare opportunity to arrest these trends. Such a reversal will not just be done with electoral victories, but by intellectual victories.

We have gotten to the point where courts have held that morality cannot be a basis for law; where ministers are fearful to affirm, as they understand it, holy writ from the pulpit; and where one group can actively target religious groups by labeling them a "hate group" on the basis of their sincerely held religious beliefs.

This President and this Department of Justice are determined to protect and even advance this magnificent heritage.

Freedom of religious is indeed our "first freedom"—being the first listed right of our First Amendment.

This has been a core American principle from the beginning.

It is one of the reasons that this country was settled in the first place.

The promise of freedom of conscience brought the Pilgrims to Plymouth, the Catholics to Maryland, the

Quakers to Pennsylvania, the Scot-Presbyterians to the middle colonies, and Roger Williams to Rhode Island.

Each one of these groups and others knew what it was like to be hated, persecuted, outnumbered, and discriminated against.

Each one knew what it was like to have a majority try to force them to deny their natural right to practice the faith they held dear.

Our Founders gave religious expression a double protection in the First Amendment. Not only do we possess freedom to exercise our beliefs but we also enjoy the freedom of speech.

Our Founders' understanding of and commitment to religious freedom was truly brilliant as well as historic.

It arose in large part from the principals delineated in the Virginia Statute for Religious Freedom—and its effective advocates: Madison and Jefferson.

These guys were ferocious. This weekend, I was rereading Gary Will's fabulous book, *Head and Heart*, in which he quotes extensively from the Jefferson's Statute, as he refers to it.

I commend all of it to you; but one line stood out in particular to me, "That almighty God hath created the mind free, and manifested His supreme will that free it shall remain, by making it altogether insusceptible of restraint."

Of course, this is entirely consistent with another of my favorite Jefferson quotes that you will find at his memorial just across the mall from where we are today:

"For I have sworn upon the altar of god eternal hostility against every form of tyranny over the mind of man." This is what our Founders believed.

They clearly recognized that an individual's relationship to God is a natural right and precedes the existence of the state, and is not subject to state control.

These concepts were placed into our Constitution and laws and formed a national consensus that has greatly militated against religious hostility and violence—and has helped us to this day to be one of the world's most diverse religious people.

There can be no doubt that we are stronger as a nation because of the contribution of religious Americans.

Every day across America, they feed the hungry, shelter the homeless, educate our young people, and care for the sick. They do so not because the government tells them to, but because they want to. They do these things because of their faith.

Their faith provides something the state can never provide—meaning and purpose and joy in their life.

But in recent years, the cultural climate in this country—and in the West more generally—has become less hospitable to people of faith. Many Americans have felt that their freedom to practice their faith has been under attack.

And it's easy to see why. We've seen nuns ordered to buy contraceptives.

We've seen U.S. Senators ask judicial and executive branch nominees about dogma—even though the Constitution explicitly forbids a religious test for public office. We've all seen the ordeal faced so bravely by Jack Phillips.

Americans from a wide variety of backgrounds are concerned about what this changing cultural climate means for the future of religious liberty in this country.

President Trump heard this concern.

I believe this unease is one reason that he was elected. In substance, he said he respected people of faith and he promised to protect them in the free exercise of their faith. He declared we would say "Merry Christmas" again.

The Department of Justice has settled 24 civil cases with 90 plaintiffs regarding the previous administration's wrong application of the contraception mandate to objecting religious employers.

Last month, a district court in Colorado issued a permanent injunction in the case involving the Little Sisters of the Poor, a group of nuns who serve the elderly poor.

This is a permanent injunction and a major victory for the Little Sisters of the Poor and religious freedom.

The government has no business telling the Little Sisters that they must provide an insurance policy that violates their sincere religious beliefs.

And since day one, this administration has been delivering on that promise.

Soon after taking office, President Trump directed me to issue explicit legal guidance for all executive agencies on how to apply the religious liberty protections in federal law. Our team embraced that challenge.

I issued that guidance in October, and it lays out 20 fundamental principles for the Executive Branch to follow.

Those include the principle that free exercise means a right to act—or to abstain from action.

They include the principle that government shouldn't impugn people's motives or beliefs.

We don't give up our rights when we go to work, start a business, talk about politics, or interact with the government.

We don't give up our rights when we assemble or join together. We have religious freedom as individuals and as groups.

In short, we have not only the freedom to worship—but the right to exercise our faith. The Constitution's protections don't end at the parish parking lot nor can our freedoms be confined to our basements.

Under this administration, the federal government is not just reacting—we are actively seeking, carefully, thoughtfully and lawfully, to accommodate people of faith. Religious Americans are no longer an afterthought.



We will take potential burdens on one's conscience into consideration before we issue regulations or new policies.

And this Department of Justice is going to court across America to defend the rights of people of faith.

First of all, we are aggressively and appropriately enforcing our civil rights laws, our hate crimes laws, and laws protecting churches and faith groups.

Since January 2017, we have obtained 11 indictments and seven convictions in cases involving arson or other attacks or threats against houses of worship. Our Civil Rights Division has also obtained 12 indictments in other attacks or threats against people because of their religion.

And we are not slowing down.

Three weeks ago, we obtained a jury verdict against a man who set fire to a mosque in Texas and sentenced for a man from Missouri for threatening to kill members of a mosque.

In addition to protecting the safety of people of faith, we are also protecting them against unjust discrimination.

In January, we filed a brief in a Montana court to defend parents who claim that the state barred their children from a private school scholarship program because they attend a religious school.

We also filed an amicus brief on behalf of the Archdiocese of Washington, D.C., which was refused advertising space for having a religious message—including "joy to the world" on Merry Christmas.

And, of course, we were proud to file a brief in support of Jack Phillips.

We are taking steps to become even more effective.

In June I announced the Place to Worship Initiative. Under this initiative, the Department of Justice is holding public events across America and improving training for federal prosecutors about legal protections for houses of worship.

When I was in the Senate, we passed a law called the Religious Land Use and Institutionalized Persons Act, or RLUIPA. Under RLUIPA, the Department of Justice can file a civil action in court when religious groups are discriminated against in zoning laws.

Under my tenure as Attorney General, we have not hesitated to use this tool when necessary.

In June, we filed suit against a town in New Jersey that had refused over and over again—for eight years—to let an Orthodox Jewish congregation buy land for a synagogue.

And just last week we filed a brief in federal court supporting the case of a Hindu temple in Maryland that claimed to have suffered discrimination in its attempts to purchase land.

We are going to keep going to court. And I believe that we're going to keep winning.

Today I am announcing our next step: the Religious Liberty Task Force, to be co-chaired by the Associate

Attorney General and the Assistant Attorney General for the Office of Legal Policy—Jesse and Beth.

The Task Force will help the Department fully implement our religious liberty guidance by ensuring that all Justice Department components are upholding that guidance in the cases they bring and defend, the arguments they make in court, the policies and regulations they adopt, and how we conduct our operations. That includes making sure that our employees know their duties to accommodate people of faith.

As the people in this room know, you have to practice what you preach. We are also going to remain in contact with religious groups across America to ensure that their rights are being protected. We have been holding listening sessions and we will continue to host them in the coming weeks.

This administration is animated by that same American view that has led us for 242 years: that every American has a right to believe, worship, and exercise their faith in the public square.

This approach has served this country well. We are perhaps the most religiously developed nation in the world and can take pride in respecting all people as they fully exercise their faiths.

It is clear that these policies have furthered peace, prosperity, freedom, lawfulness, and clarity.

As our nation grows order, we must not let it depart from this magnificent tradition.

Now I have the pleasure of introducing Archbishop Joseph Kurtz, someone who is an expert on these matters.

Archbishop Kurtz was ordained a priest of the Diocese of Allentown in 1972. Over the next two decades he served in a variety of capacities in the Diocese, including teaching at two seminaries.

He was named a Monsignor in 1986 and appointed a pastor in 1988.

In 1999 Pope John Paul II appointed him Bishop of Knoxville and in 2007 Pope Benedict XVI appointed him Archbishop of Louisville, where he now leads the oldest inland diocese in the United States and the oldest Archdiocese West of the Appalachias.

In 2010 he was elected Vice President of the U.S. Conference of Catholic Bishops and then served as President from 2013 to 2016.

In 2017 he was elected chairman of the Conference's Committee for Religious Liberty.

Please join me in welcoming Archbishop Joseph Kurtz.

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**Speaker:**

Attorney General Jeff Sessions

**Attachment(s):**

Download Religious Liberty Memo

**Component(s):**

Office of the Attorney General

*Updated July 31, 2018*




Office of the Attorney General  
Washington, D. C. 20530

July 30, 2018

**MEMORANDUM**

TO: HEADS OF DEPARTMENT COMPONENTS

FROM: THE ATTORNEY GENERAL 

SUBJECT: Religious Liberty Task Force

Freedom of religion has been a core American principle from the very beginning of our country—indeed, it is our “first freedom.” President Trump promised that he would make preserving and protecting our religious liberty the first priority of his administration. The Department of Justice is committed to assisting with that effort.

On October 6, 2017, I issued a *Memorandum to All Executive Departments and Agencies on Federal Law Protections for Religious Liberty* (the “Religious Liberty Memorandum”). This Religious Liberty Memorandum, which the President directed me to issue in Executive Order 13798, explained twenty key principles of religious liberty in U.S. law, and provided direction to agencies in four areas: agencies as employers, rulemaking, enforcement actions, and contracting or grant-making.

The same day, I also issued a memorandum within the Department of Justice instructing components on how to implement the Religious Liberty Memorandum (the “implementation memorandum”). This implementation memorandum called on components to incorporate the Religious Liberty Memorandum in all aspects of the Department’s litigation, in advice to other agencies, in Department operations, and through its own rulemaking and its interagency rule review. The implementation memorandum required components to notify the Associate Attorney General of all issues that arise which implicate the Religious Liberty Memorandum. It assigned to the Office of Legal Policy the responsibility to review every Department rulemaking or other agency action submitted for Department review by the Office of Management and Budget to ensure its consistency with the Religious Liberty Memorandum, and it designated the Office of Legal Policy as the point of contact for any questions about either document.

Since the issuance of the Religious Liberty Memorandum and the implementation memorandum, the Associate Attorney General’s office and the Office of Legal Policy have together coordinated the Department’s compliance with both memoranda. The Associate Attorney General’s office and the Office of Legal Policy also have worked collaboratively with staff from several other components, drawing on their expertise in this area to ensure compliance with the memoranda and to identify additional opportunities to protect and promote religious liberty.

In order to institutionalize this process, and to leverage the expertise and experience of diverse components within the Department to identify new opportunities for the Department to engage with the issue of religious liberty, today I have established a Religious Liberty Task Force (the Task Force). I will serve as Chair of the Task Force, with the Associate Attorney General serving as Vice Chair for Litigation and the Assistant Attorney General for the Office of Legal Policy serving as Vice Chair for Policy. The Task Force will be further composed of representatives from the Office of the Deputy Attorney General, the Civil Division, the Civil Rights Division, the Environment and Natural Resources Division, the Office of Legal Counsel, the Office of Legal Policy, the Office of Public Affairs, a U.S. Attorney's Office that I will designate, and other components that I may designate from time to time to aid in the Task Force's work.

The Religious Liberty Task Force will continue the Department's ongoing work to implement the Religious Liberty Memorandum and the implementation memorandum. The Task Force will also consider new initiatives that will further the Department's work to protect and promote religious liberty. To that end, the Task Force will: 1) facilitate Department component compliance with the memoranda; 2) address novel, recurring, or cross-cutting issues in the Department's work implicating the memoranda; 3) facilitate interagency coordination regarding the Religious Liberty Memorandum; 4) engage in outreach to the public, religious communities, and religious liberty organizations to obtain feedback on compliance with the Religious Liberty Memorandum; and 5) develop new strategies, involving litigation, policy, and legislation, to protect and promote religious liberty.

Please direct any questions about the Religious Liberty Task Force to Jeffrey Hall in the Office of the Associate Attorney General, [Jeffrey.Hall@usdoj.gov](mailto:Jeffrey.Hall@usdoj.gov), phone (202) 514-0124; or to Jennie Bradley Lichter in the Office of Legal Policy, [Jennifer.Lichter@usdoj.gov](mailto:Jennifer.Lichter@usdoj.gov), phone (202) 514-4606.

## RELIGIOUS FREEDOM IN FOCUS, VOLUME 76 - SEPTEMBER/2018

**Religious Freedom in Focus** is a periodic email update about the Civil Rights Division's religious liberty and religious discrimination cases. Through vigorous enforcement of:

- Federal statutes prohibiting religion-based discrimination in education, employment, housing, public facilities, and public accommodations;
- Federal laws against arson and vandalism of houses of worship and bias crimes against people because of their faith; and
- The Religious Land Use and Institutionalized Persons Act (RLUIPA).

The Civil Rights Division is working to protect the right of all people to practice their faiths freely and without discrimination.

Back issues of this newsletter may be found

at [http://www.justice.gov/crt/spec\\_topics/religiousdiscrimination](http://www.justice.gov/crt/spec_topics/religiousdiscrimination). You may also contact the Special Counsel for Religious Discrimination, Eric W. Treene, at (202) 353-8622.

### IN THIS ISSUE:

- [Federal Court Adopts DOJ's Analysis, Allows Church's RLUIPA Claim to Proceed to Trial](#)
- [Attorney General Announces Creation of Religious Liberty Task Force at DOJ Summit](#)
- [Department Closes Investigation in Response to Florida City Equalizing Treatment of Religious and Nonreligious Land Uses](#)
- [DOJ Files Statement of Interest Supporting Hindu Association's RLUIPA Suit](#)
- [Town Allows Land Sale to Church, Amends Ordinance, After DOJ Investigation](#)
- [Update on Religious Hate Crimes](#)

### FEDERAL COURT ADOPTS DOJ'S ANALYSIS, ALLOWS CHURCH'S RLUIPA CLAIM TO PROCEED TO TRIAL

On August 30, a U.S. District Court in Kansas ruled that a Roman Catholic church had presented sufficient evidence to proceed to trial on its claim that the City of Mission Woods violated the Religious Land Use and Institutionalized Persons Act (RLUIPA), when it denied the church a permit to expand. The court adopted the two-step analysis for analyzing the substantial burden claim urged by the United States in a Statement of Interest filed with the court on May 24.

RLUIPA, enacted in 2000, protects places of worship and other religious uses of land from discriminatory or unduly burdensome application of land-user regulations. On June 13, the Attorney General announced the *Place to Worship Initiative*, focused on expanding the Department's RLUIPA enforcement efforts and increasing awareness of RLUIPA through community education outreach events around the country and dissemination of educational materials. More information about the initiative is available on the [initiative homepage](#). Recent RLUIPA cases include the [filing of a suit](#) against a New Jersey town alleging that it interfered with the ability of an Orthodox Jewish group to build a synagogue, a [brief supporting a Hindu](#)

association's suit against Howard County, Maryland (see article below), and a brief supporting an African Christian church's suit against Baltimore County, Maryland.

The Mission Woods, Kansas, case involves the efforts of Rose Philippine Duchesne Catholic Church to convert a dilapidated house next to its church building for youth and adult education and meetings. The property is in a zone that permits houses of worship as-of-right, subject to development standards such as density, parking, and landscaping and screening requirements. While the church presented evidence that it complied with all requirements, the city denied the permit, citing concerns about noise and traffic. St. Rose filed suit under RLUIPA.

The United States' Statement of Interest contended that a court analyzing a substantial burden claim should first look at whether there is an "actual, practical impact . . . on the institution's religious exercise," and if so, then determine whether that burden was caused by the Defendant, such as whether "the institution had a reasonable expectation of obtaining the approval, whether there are reasonable alternatives available to the institution, and whether pursuing alternatives would cause undue delay, uncertainty, and expense for the institution."

The court agreed, holding that to establish that a land use regulation has imposed a substantial burden under RLUIPA, a plaintiff must show first that it has "a need to expand or relocate." Then, a plaintiff must show that the defendant inhibited the plaintiff's ability to expand or relocate by such actions as denying plaintiff's "reasonable expectation" of building or expanding at that location, that there are no reasonable alternatives, that the defendant imposed "economically infeasible or disingenuous" conditions, or that the defendant's actions had created "delay, uncertainty or expense" for the ability of the plaintiff to relocate or expand.

The court held that the plaintiff had presented sufficient evidence of both a need to expand and that their attempts to do so were thwarted by the actions of the defendant. The court also held that the church had presented sufficient evidence that the defendant did not have a compelling reason for its actions. It thus denied summary judgment to the defendant and allowed the substantial burden claim to proceed. The court also allowed the church's claim that it was treated less favorably than nonreligious assemblies under RLUIPA Section 2(b)(1) to proceed, along with other federal and state law claims, and granted judgment for the Defendant on a RLUIPA Section 2(b)(3) claim that the city had imposed a unreasonable limitation on building churches in the city as a general matter. The United States' brief addressed only the substantial burden issue.

#### ATTORNEY GENERAL ANNOUNCES CREATION OF RELIGIOUS LIBERTY TASK FORCE AT DOJ SUMMIT

In his remarks at the Department of Justice Religious Liberty Summit on July 30, Attorney General Jeff Sessions announced the formation of a Religious Liberty Task Force to ensure that the Department fully implements the Attorney General's Memorandum on Federal Law Protections for Religious Liberty in all of its cases and its operations. The task force is chaired by acting Associate Attorney General Jesse Panuccio and Assistant Attorney General for the Office of Legal Policy Beth Williams, and composed of representatives from multiple Department of Justice components.

The Attorney General issued the Memorandum on Federal Law Protections for Religious Liberty, and a companion memorandum on its implementation, in October 2017 at the direction of the President in Executive Order 13798. The Memorandum lays out twenty principles for the Executive Branch to follow, covering issues including equal treatment of religious individuals and groups, protection of conscience, accommodation of religious practices in the public square, honoring the autonomy of religious organizations, and implementation of the Religious Freedom Restoration Act (RFRA). As the Attorney



General summarized the Memorandum in his remarks at the summit: "In short, we have not only the freedom to worship—but the right to exercise our faith. The Constitution's protections don't end at the parish parking lot nor can our freedoms be confined to our basements."

The summit also featured remarks by Archbishop Joseph Kurtz of Louisville and Senator James Lankford of Oklahoma, remarks by several DOJ officials, and panels featuring legal experts and individuals impacted by religious liberty. Videos of the summit, in four parts, are [available here](#).

#### DEPARTMENT CLOSES INVESTIGATION IN RESPONSE TO FLORIDA CITY EQUALIZING TREATMENT OF RELIGIOUS AND NONRELIGIOUS LAND USES

On July 25, the Civil Rights Division closed its investigation of the City of Lauderdale Lakes, Florida, under the Religious Land Use and Institutionalized Persons Act (RLUIPA), after the city changed its zoning code to treat places of worship equally with nonreligious assemblies. The Department opened an investigation in November 2016 of the city's treatment of churches and other places of worship in its zoning code. The zoning code prohibited places of worship in all business districts other than the Community Facility district, while permitting various nonreligious assemblies, such as banquet halls, dance academies, and funeral homes, as of right in many business districts where places of worship were excluded.

Section 2(b)(1) of RLUIPA states that "no government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution." This provision, according to lead sponsors Senators Edward Kennedy and Orrin Hatch, was included in RLUIPA because "[z]oning codes frequently exclude churches in places where they permit theaters, meetings halls, and other places where large groups of people assemble for secular purposes. . . . Churches have been denied the right to meet in rented storefronts, in abandoned schools, in converted funeral homes, theaters and skating rinks—in all sorts of buildings that were permitted when they generated traffic for secular purposes." (quoted in DOJ's [Report on Enforcement of RLUIPA](#)).

After the Department opened its investigation, the city initiated efforts to amend its zoning laws regarding places of worship and ultimately amended its ordinance to equalize treatment of houses of worship and nonreligious assemblies. In response to the ordinance changes, the Department closed its investigation.

More information about RLUIPA is available at [www.justice.gov/crt/placetoworship](http://www.justice.gov/crt/placetoworship).

#### DOJ FILES STATEMENT OF INTEREST SUPPORTING HINDU ASSOCIATION'S RLUIPA SUIT

On July 23, the Justice Department [filed a Statement of Interest](#) contending that a Hindu association seeking to build a temple in Howard County, Maryland, had adequately alleged a violation of [RLUIPA](#) and that a federal court should permit its lawsuit to proceed.

The suit was brought by the Jagannath Organization for Global Awareness, a Hindu congregation seeking to build a temple on land it purchased in Howard County, after the county denied its zoning application. There is currently no temple for this branch of Hinduism in the state of Maryland and the congregation has been without a permanent place of worship for sixteen years.

The United States' brief, much like the brief in the Mission Woods case ([see article above](#)), focuses on RLUIPA's substantial burden provision, which states that zoning actions that impose a "substantial burden" on religious exercise must be justified by a compelling governmental interest pursued through the least restrictive means.

The United States' brief, as in *Mission Woods*, contends that evaluating substantial burden involves a two-step process: first, looking at the practical effect of the denial on the group's ability to worship, and second, examining the surrounding facts to determine the degree to which the defendants' actions have imposed a substantial burden on the religious exercise of the group. Here, the United States notes that the Jagannath organization has sufficiently alleged its need for a place of worship in the county. Second, the United States contends that the Jagannath organization has adequately alleged that this denial constitutes a substantial burden imposed by the county; that the county has completely denied its application, rather than limiting it or imposing conditions; that the congregation has been burdened by a four-year property search and two years of administrative hearings, creating "expense, delay and uncertainty" on its prospects of finding a place of worship; and that based on the county's regulations and past practice, the congregation had a reasonable expectation of being able to build on its property when it purchased it. The United States' brief thus contends that the congregation has properly alleged that the county has imposed a "substantial burden" on its religious exercise, and therefore the case should be permitted to proceed.

#### TOWN ALLOWS LAND SALE TO CHURCH, AMENDS ORDINANCE, AFTER DOJ INVESTIGATION

On July 11, the Justice Department closed its investigation of the Town of Houlton, Maine, under RLUIPA, after the town amended its zoning ordinance to treat places of worship equally with comparable nonreligious uses. The Department opened the investigation after the town denied a landowner's request to change its ordinance so that he could sell his property to a local Church of Jesus Christ of Latter-day Saints group for use as a church.

The property that the church sought was located in the town's Residential Business District. At the time, the Residential Business District permitted various nonreligious assemblies, including amusement arcades, day cares, schools, and theaters as conditional uses. Churches and other places of worship, however, were not allowed at all. The landowner submitted an application to the town requesting that it change its ordinance to permit places of worship to operate in the district, but the town denied the request.

In May 2018, the Department opened an investigation of the town and its treatment of religious uses compared to nonreligious uses. Section 2(b)(1) of RLUIPA states that "no government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution."

On June 10, the Town Council finalized an ordinance that made several changes to the town's zoning laws. Among other things, the ordinance amended the land use matrix so that religious assemblies are now permitted to operate in the Residential Business District, as well as in other zoning districts where religious assembly uses had been treated less favorably than comparable nonreligious assembly uses. In response to the ordinance changes, the Department closed its investigation.

More information about RLUIPA is available at [www.justice.gov/crt/placetoworship](http://www.justice.gov/crt/placetoworship).

#### UPDATE ON RELIGIOUS HATE CRIMES

The Department of Justice enforces a range of criminal laws protecting against religion-based hate crimes. Various federal hate crime laws include religion among the protected classifications, and laws like the Church Arson Prevention Act specifically protect against arson or vandalism of places of worship, or violence or threats of violence that interfere with religious exercise.



As the Attorney General said in June [in a speech to the Union of Orthodox Jewish Congregations](#):  
 "Religious freedom means not only freedom from government intrusion, but also freedom from violence.  
 The first civil right is the right to be safe."

Below are updates on recent DOJ prosecutions of religious hate crimes:

- On August 7, a federal judge in Kansas sentenced Adam W. Purinton of Olathe, Kansas to life in prison without parole on federal charges for the February 2017 killing of a man from India, and the shooting of two others, in a bar in Olathe. On the day of the sentencing, Attorney General Sessions stated: "The crimes at issue in this case are detestable. The defendant acted with clear premeditation in murdering one man, and attempting to murder a second man, simply because of their race, religion, and national origin. As a result, a promising young life has been tragically cut short, and other lives have been filled with suffering." More information is available [here](#).
- On July 24, Preston Q. Howard of Wright City, Missouri, was sentenced to two years in prison for violating 18 U.S.C. § 247 by making numerous telephone threats to the Islamic Society of Augusta, threatening to "hunt down" Muslims and blow up the mosque. On the day of the sentencing, Acting Assistant Attorney General of the Civil Rights Division John Gore stated: "Threats of violence based on religious beliefs have no place in our country. The Civil Rights Division will continue to work tirelessly to prosecute hate crime offenders." More information is available [here](#).
- On July 16, a federal jury in Texas, found Marq Vincent Perez of Victoria, Texas guilty of various federal charges relating to the burning of the Victoria Islamic Center on January 28, 2017. On the day the jury returned the verdict, Acting Assistant Attorney General of the Civil Rights Division John Gore stressed: "All people are entitled to live free from violence and fear, regardless of their religion or place of worship." Sentencing is set for October 2. Perez faces up to 30 years in prison. More information is available [here](#).

More information about the Civil Rights Division's enforcement of laws against hate crimes is available on the Division's [hate crimes page](#).

*Updated September 6, 2018*

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Was this page helpful?

Yes No